

SENATE BILL No. 464

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10; IC 11-12; IC 11-13; IC 12-15; IC 12-23-18; IC 33-23-16-24.5; IC 33-39-1-8; IC 35-38-2-2.3.

Synopsis: Mental health drugs. Provides that addictions counseling, inpatient detoxification, and long acting, nonaddictive medication may be required to treat opioid or alcohol addiction as a condition of parole, probation, community corrections, pretrial diversion, or participation in a problem solving court. Includes inpatient substance abuse detoxification services as a Medicaid service. Prohibits the office of Medicaid policy and planning (office) from requiring prior authorization for a drug that is a nonaddictive medication assistance treatment drug being prescribed for the treatment of substance abuse. Requires the office to include coverage for addictive medication assistance treatment drugs being prescribed for substance abuse treatment but allows for prior authorization. Requires coverage under the Indiana check-up plan of nonaddictive and addictive medication assistance treatment drugs prescribed for the treatment of substance abuse. Authorizes applications for a new opioid treatment program run by a certified community mental health center.

Effective: July 1, 2015.

Miller Patricia

January 14, 2015, read first time and referred to Committee on Health & Provider Services.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 464

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-10-4-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The administration
3 of a drug by the department for the purpose of controlling a mental or
4 emotional disorder is subject to the following requirements:
5 (1) The particular drug must be prescribed by a physician who has
6 examined the offender.
7 (2) The drug must be administered by either a physician or
8 qualified medical personnel under the direct supervision of a
9 physician.
10 (3) The offender must be periodically observed, during the
11 duration of the drug's effect, by qualified medical personnel.
12 (4) A drug may be administered for a period longer than
13 seventy-two (72) hours only if the administration is part of a
14 psychotherapeutic program of treatment prescribed and detailed
15 in writing by a physician.
16 (5) **A drug may be administered for the purpose of controlling**



1 **substance abuse, including a federal Food and Drug**
 2 **Administration approved long acting, nonaddictive**
 3 **medication for the treatment of opioid or alcohol dependence.**

4 SECTION 2. IC 11-10-11.5-11, AS AMENDED BY P.L.247-2013,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 11. (a) While assigned to a community transition
 7 program, a person must comply with:

8 (1) the rules concerning the conduct of persons in the community
 9 transition program, including rules related to payments described
 10 in section 12 of this chapter, that are adopted by the community
 11 corrections advisory board establishing the program or, in
 12 counties that are not served by a community corrections program,
 13 that are jointly adopted by the courts in the county with felony
 14 jurisdiction; and

15 (2) any conditions established by the sentencing court for the
 16 person.

17 (b) As a rule of the community transition program, a person
 18 convicted of a sex offense (as defined in IC 11-8-8-5.2) may not use a
 19 social networking web site (as defined in IC 35-31.5-2-307) or an
 20 instant messaging or chat room program (as defined in
 21 IC 35-31.5-2-173) to communicate, directly or through an intermediary,
 22 with a child less than sixteen (16) years of age. However, the rules of
 23 the community transition program may permit the offender to
 24 communicate using a social networking web site or an instant
 25 messaging or chat room program with:

26 (1) the offender's own child, stepchild, or sibling; or

27 (2) another relative of the offender specifically named in the rules
 28 applicable to that person.

29 **(c) As a rule of the community transition program, an individual**
 30 **may be required to receive:**

31 **(1) addiction counseling;**

32 **(2) inpatient detoxification; and**

33 **(3) medication assisted treatment, including a federal Food**
 34 **and Drug Administration approved long acting, nonaddictive**
 35 **medication for the treatment of opioid or alcohol dependence.**

36 SECTION 3. IC 11-12-1-2.5, AS AMENDED BY P.L.184-2014,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2015]: Sec. 2.5. (a) The community corrections programs
 39 described in section 2 of this chapter shall use evidence based services,
 40 programs, and practices that reduce the risk for recidivism among
 41 persons who participate in the community corrections programs.

42 (b) The community corrections board may also coordinate or



operate:

- (1) educational;
- (2) mental health;
- (3) drug or alcohol abuse counseling; and
- (4) housing;

programs. In addition, the board may provide supervision services for persons described in section 2 of this chapter.

(c) Drug or alcohol abuse counseling programs under subsection (b) may include:

- (1) addiction counseling;**
- (2) inpatient detoxification; and**
- (3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.**

SECTION 4. IC 11-12-2-1, AS AMENDED BY P.L.168-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

- (1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.**



(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection; and for providing the additional financial aid to courts from transfers authorized and approved under this subsection; is appropriated for those purposes for the state fiscal year ending June 30, 2015; and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by a corresponding amount. This subsection expires June 30, 2015.

(e) (b) The commissioner shall give priority in issuing community corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities. **Programs for addictive disorders may include:**

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

SECTION 5. IC 11-12-3.7-11, AS AMENDED BY P.L.168-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A person is eligible to participate in a pre-conviction forensic diversion program only if the person meets the



1 following criteria:

2 (1) The person has a mental illness, an addictive disorder, or both
3 a mental illness and an addictive disorder.

4 (2) The person has been charged with an offense that is:

5 (A) not a violent offense; and

6 (B) a Class A, B, or C misdemeanor, or a Level 6 felony that
7 may be reduced to a Class A misdemeanor in accordance with
8 IC 35-50-2-7.

9 (3) The person does not have a conviction for a violent offense in
10 the previous ten (10) years.

11 (4) The court has determined that the person is an appropriate
12 candidate to participate in a pre-conviction forensic diversion
13 program.

14 (5) The person has been accepted into a pre-conviction forensic
15 diversion program.

16 (b) Before an eligible person is permitted to participate in a
17 pre-conviction forensic diversion program, the court shall advise the
18 person of the following:

19 (1) Before the individual is permitted to participate in the
20 program, the individual will be required to enter a guilty plea to
21 the offense with which the individual has been charged.

22 (2) The court will stay entry of the judgment of conviction during
23 the time in which the individual is successfully participating in
24 the program. If the individual stops successfully participating in
25 the program, or does not successfully complete the program, the
26 court will lift its stay, enter a judgment of conviction, and
27 sentence the individual accordingly.

28 (3) If the individual participates in the program, the individual
29 may be required to remain in the program for a period not to
30 exceed three (3) years.

31 (4) During treatment the individual may be confined in a
32 institution, be released for treatment in the community, receive
33 supervised aftercare in the community, or may be required to
34 receive a combination of these alternatives. **Programs for
35 addictive disorders may include:**

36 (A) addiction counseling;

37 (B) inpatient detoxification; and

38 (C) medication assisted treatment, including a federal Food
39 and Drug Administration approved long acting,
40 nonaddictive medication for the treatment of opioid or
41 alcohol dependence.

42 (5) If the individual successfully completes the forensic diversion



program, the court will waive entry of the judgment of conviction and dismiss the charges.

(6) The court shall determine, after considering a report from the forensic diversion program, whether the individual is successfully participating in or has successfully completed the program.

(c) Before an eligible person may participate in a pre-conviction forensic diversion program, the person must plead guilty to the offense with which the person is charged.

(d) Before an eligible person may be admitted to a facility under the control of the division of mental health and addiction, the individual must be committed to the facility under IC 12-26.

(e) After the person has pleaded guilty, the court shall stay entry of judgment of conviction and place the person in the pre-conviction forensic diversion program for not more than:

(1) two (2) years, if the person has been charged with a misdemeanor; or

(2) three (3) years, if the person has been charged with a felony.

(f) If, after considering the report of the forensic diversion program, the court determines that the person has:

(1) failed to successfully participate in the forensic diversion program, or failed to successfully complete the program, the court shall lift its stay, enter judgment of conviction, and sentence the person accordingly; or

(2) successfully completed the forensic diversion program, the court shall waive entry of the judgment of conviction and dismiss the charges.

SECTION 6. IC 11-12-3.8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. For purposes of this chapter, "substance abuse treatment" may include:**

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

SECTION 7. IC 11-13-2-3, AS AMENDED BY P.L.184-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the judicial conference of Indiana for review. The application shall be accompanied by detailed plans regarding the use of the financial aid.



(b) The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid. The judicial conference and the state budget committee must approve all financial aid granted under this chapter.

(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.

(d) The judicial conference of Indiana shall award financial assistance based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(e) Before providing financial assistance under this chapter, the judicial conference of Indiana shall consult with the department of correction and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(f) Substance abuse treatment under subsection (e) may include:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(g) Mental health and substance abuse treatment services provided by financial assistance under this section shall be provided by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

SECTION 8. IC 11-13-3-4, AS AMENDED BY P.L.114-2012, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;



(2) forwarded to any person charged with the parolee's supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex offender (as defined in IC 11-8-8-4.5) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is a sex or violent offender (as



defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;

(B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-31.5-2-285) for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's personal computer at any time; and

(ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator



1 under IC 35-38-1-7.5; and

2 (2) may require a parolee who is a sex or violent offender (as
3 defined in IC 11-8-8-5);

4 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
5 transmit information twenty-four (24) hours each day regarding a
6 person's precise location, subject to the amount appropriated to the
7 department for a monitoring program as a condition of parole.

8 (k) As a condition of parole, the parole board may prohibit, in
9 accordance with IC 35-38-2-2.6, a parolee who has been convicted of
10 stalking from residing within one thousand (1,000) feet of the residence
11 of the victim of the stalking for a period that does not exceed five (5)
12 years.

13 (l) As a condition of parole, the parole board may prohibit a parolee
14 convicted of an offense under IC 35-46-3 from owning, harboring, or
15 training an animal, and, if the parole board prohibits a parolee
16 convicted of an offense under IC 35-46-3 from having direct or indirect
17 contact with an individual, the parole board may also prohibit the
18 parolee from having direct or indirect contact with any animal
19 belonging to the individual.

20 **(m) As a condition of parole, the parole board may require a**
21 **parolee to receive:**

22 **(1) addiction counseling;**

23 **(2) inpatient detoxification; and**

24 **(3) medication assisted treatment, including a federal Food**
25 **and Drug Administration approved long acting, nonaddictive**
26 **medication for the treatment of opioid or alcohol dependence.**

27 ~~(m)~~ **(n)** A parolee may be responsible for the reasonable expenses,
28 as determined by the department, of the parolee's participation in a
29 treatment or other program required as a condition of parole under this
30 section. However, a person's parole may not be revoked solely on the
31 basis of the person's inability to pay for a program required as a
32 condition of parole under this section.

33 SECTION 9. IC 12-15-5-1, AS AMENDED BY P.L.274-2013,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2015]: Sec. 1. Except as provided in IC 12-15-2-12,
36 IC 12-15-6, and IC 12-15-21, the following services and supplies are
37 provided under Medicaid:

38 (1) Inpatient hospital services.

39 (2) Nursing facility services.

40 (3) Physician's services, including services provided under
41 IC 25-10-1 and IC 25-22.5-1.

42 (4) Outpatient hospital or clinic services.



- 1 (5) Home health care services.
- 2 (6) Private duty nursing services.
- 3 (7) Physical therapy and related services.
- 4 (8) Dental services.
- 5 (9) Prescribed laboratory and x-ray services.
- 6 (10) Prescribed drugs and pharmacist services.
- 7 (11) Eyeglasses and prosthetic devices.
- 8 (12) Optometric services.
- 9 (13) Diagnostic, screening, preventive, and rehabilitative services.
- 10 (14) Podiatric medicine services.
- 11 (15) Hospice services.
- 12 (16) Services or supplies recognized under Indiana law and
- 13 specified under rules adopted by the office.
- 14 (17) Family planning services except the performance of
- 15 abortions.
- 16 (18) Nonmedical nursing care given in accordance with the tenets
- 17 and practices of a recognized church or religious denomination to
- 18 an individual qualified for Medicaid who depends upon healing
- 19 by prayer and spiritual means alone in accordance with the tenets
- 20 and practices of the individual's church or religious denomination.
- 21 (19) Services provided to individuals described in IC 12-15-2-8
- 22 and IC 12-15-2-9.
- 23 (20) Services provided under IC 12-15-34 and IC 12-15-32.
- 24 (21) Case management services provided to individuals described
- 25 in IC 12-15-2-11 and IC 12-15-2-13.
- 26 (22) Any other type of remedial care recognized under Indiana
- 27 law and specified by the United States Secretary of Health and
- 28 Human Services.
- 29 (23) Examinations required under IC 16-41-17-2(a)(10).

30 **(24) Inpatient substance abuse detoxification services.**

31 SECTION 10. IC 12-15-35.5-3, AS AMENDED BY P.L.229-2011,
 32 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in
 34 subsection (b), the office may establish prior authorization
 35 requirements for drugs covered under a program described in section
 36 1 of this chapter.

37 (b) With the exception of prior authorization for "brand medically
 38 necessary" of a brand name drug with a generic equivalent in
 39 accordance with IC 16-42-22-10, the office may not require prior
 40 authorization for the following single source or brand name
 41 multisource drugs:

- 42 (1) A drug that is classified as an antianxiety, antidepressant, or



antipsychotic central nervous system drug in the most recent publication of Drug Facts and Comparisons (published by the Facts and Comparisons Division of J.B. Lippincott Company).

(2) A drug that, according to:

(A) the American Psychiatric Press Textbook of Psychopharmacy;

(B) Current Clinical Strategies for Psychiatry;

(C) Drug Facts and Comparisons; or

(D) a publication with a focus and content similar to the publications described in clauses (A) through (C);

is a cross-indicated drug for a central nervous system drug classification described in subdivision (1).

(3) A drug that is:

(A) classified in a central nervous system drug category or classification (according to Drug Facts and Comparisons) that is created after March 12, 2002; and

(B) prescribed for the treatment of a mental illness (as defined in the most recent publication of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders).

(4) A drug that is a long acting nonaddictive medication assistance treatment drug being prescribed for the treatment of substance abuse.

(c) Except as provided under section 7 of this chapter, a recipient enrolled in a program described in section 1 of this chapter shall have unrestricted access to a drug described in subsection (b).

(d) The office shall include coverage of addictive medication assistance treatment drugs that are being prescribed for the treatment of substance abuse. The office may require prior authorization for the reimbursement of an addictive medication assistance treatment drug.

(e) The office shall require prior authorization before reimbursement for methadone if the prescription was prescribed for the treatment of pain.

SECTION 11. IC 12-15-44.2-4, AS AMENDED BY P.L.160-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The plan must include the following in a manner and to the extent determined by the office:

(1) Mental health care services.

(2) Inpatient hospital services.

(3) Prescription drug coverage, **including coverage of the following that are being prescribed for the treatment of**



substance abuse:

(A) Without prior authorization, long acting nonaddictive medication assistance treatment drugs.

(B) Long acting addictive medication assistance treatment drugs.

(4) Emergency room services.

(5) Physician office services.

(6) Diagnostic services.

(7) Outpatient services, including therapy services.

(8) Comprehensive disease management.

(9) Home health services, including case management.

(10) Urgent care center services.

(11) Preventative care services.

(12) Family planning services:

(A) including contraceptives and sexually transmitted disease testing, as described in federal Medicaid law (42 U.S.C. 1396 et seq.); and

(B) not including abortion or abortifacients.

(13) Hospice services.

(14) Substance abuse services.

(15) A service determined by the secretary to be required by federal law as a benchmark service under the federal Patient Protection and Affordable Care Act.

(b) The plan may do the following:

(1) Offer coverage for dental and vision services to an individual who participates in the plan.

(2) Pay at least fifty percent (50%) of the premium cost of dental and vision services coverage described in subdivision (1).

(c) An individual who receives the dental or vision coverage offered under subsection (b) shall pay an amount determined by the office for the coverage. The office shall limit the payment to not more than five percent (5%) of the individual's annual household income. The payment required under this subsection is in addition to the payment required under section 11(b)(2) of this chapter for coverage under the plan.

(d) Vision services offered by the plan must include services provided by an optometrist.

(e) The plan must comply with any coverage requirements that apply to an accident and sickness insurance policy issued in Indiana.

(f) The plan may not permit treatment limitations or financial requirements on the coverage of mental health care services or substance abuse services if similar limitations or requirements are not



1 imposed on the coverage of services for other medical or surgical
2 conditions.

3 SECTION 12. IC 12-23-18-5.5, AS AMENDED BY P.L.116-2008,
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 5.5. **(a)** The division may not grant specific
6 approval to be a new opioid treatment program. This section does not
7 apply to applications for new opioid treatment programs:

8 **(1)** pending prior to March 1, 2007; or

9 **(2) that are operated by a certified community mental health**
10 **center:**

11 **(A) within the center; or**

12 **(B) in a separate office that meets federal opioid treatment**
13 **program requirements.**

14 **(b) A certified community mental health center may apply to the**
15 **division to operate an opioid treatment program. Upon approval,**
16 **the community mental health center may operate an opioid**
17 **treatment program in compliance with this chapter and federal**
18 **law.**

19 SECTION 13. IC 12-23-18-7, AS ADDED BY P.L.131-2014,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 7. (a) The division shall adopt rules under
22 IC 4-22-2 to establish standards and protocols for opioid treatment
23 programs to do the following:

24 **(1)** Assess new opioid treatment program patients to determine
25 the most effective opioid treatment medications to start the
26 patient's opioid treatment.

27 **(2)** Ensure that each patient voluntarily chooses maintenance
28 treatment and that relevant facts concerning the use of opioid
29 treatment medications are clearly and adequately explained to the
30 patient.

31 **(3)** Have appropriate opioid treatment program patients who are
32 receiving methadone for opioid treatment move to receiving other
33 approved opioid treatment medications.

34 **(b)** An opioid treatment program shall follow the standards and
35 protocols adopted under subsection (a) for each opioid treatment
36 program patient.

37 **(c)** Subject to subsection (a), an opioid treatment program may use
38 any of the following medications as an alternative for methadone for
39 opioid treatment:

40 **(1)** Buprenorphine.

41 **(2)** Buprenorphine combination products containing naloxone.

42 **(3) Naltrexone injectable and extended release.**



1 ~~(3)~~ **(4)** Any other medication that has been approved by:

2 (A) the federal Food and Drug Administration for use in the
3 treatment of opioid addiction; and

4 (B) the division under subsection (e).

5 (d) Before starting a patient on a new opioid treatment medication,
6 the opioid treatment program shall explain to the patient the potential
7 side effects of the new medication.

8 (e) The division may adopt rules under IC 4-22-2 to provide for
9 other medications, **including a federal Food and Drug**
10 **Administration approved long acting, nonaddictive medication for**
11 **the treatment of opioid or alcohol dependence**, as alternatives to
12 methadone that may be used under subsection (a).

13 SECTION 14. IC 33-23-16-24.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. A problem solving court**
16 **may require an individual participating in a problem solving court**
17 **to receive:**

18 **(1) addiction counseling;**

19 **(2) inpatient detoxification; and**

20 **(3) medication assisted treatment, including a federal Food**
21 **and Drug Administration approved long acting, nonaddictive**
22 **medication for the treatment of opioid or alcohol dependence.**

23 SECTION 15. IC 33-39-1-8, AS AMENDED BY P.L.168-2014,
24 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2015]: Sec. 8. (a) After June 30, 2005, this section does not
26 apply to a person who:

27 (1) holds a commercial driver's license; and

28 (2) has been charged with an offense involving the operation of
29 a motor vehicle in accordance with the federal Motor Carrier
30 Safety Improvement Act of 1999 (MCSIA) (Public Law
31 106-159.113 Stat. 1748).

32 (b) This section does not apply to a person arrested for or charged
33 with:

34 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

35 (2) if a person was arrested or charged with an offense under
36 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

37 (A) intoxication; or

38 (B) the operation of a vehicle;

39 if the offense involving intoxication or the operation of a vehicle was
40 part of the same episode of criminal conduct as the offense under
41 IC 9-30-5-1 through IC 9-30-5-5.

42 (c) This section does not apply to a person:



(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-44.1-2-13(b)(1); or

(D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose, **including:**

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(4) support the person's dependents and meet other family responsibilities;



(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 16. IC 35-38-2-2.3, AS AMENDED BY P.L.13-2013, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.

(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(4) Participate in a treatment program, educational class, or rehabilitative service provided by a probation department or by referral to an agency.

(5) Support the person's dependents and meet other family responsibilities.

(6) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall



fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

(7) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

(8) Pay a fine authorized by IC 35-50.

(9) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

(10) Report to a probation officer at reasonable times as directed by the court or the probation officer.

(11) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

(12) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

(13) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

(14) Perform uncompensated work that benefits the community.

(15) Satisfy other conditions reasonably related to the person's rehabilitation.

(16) Undergo home detention under IC 35-38-2.5.

(17) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(B) the person had been convicted of an offense relating to a controlled substance and the offense involved:

(i) the delivery by any person to another person; or

(ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(18) Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.



(19) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(20) Periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(21) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(22) Refrain from owning, harboring, or training an animal.

(23) Participate in a reentry court program.

(24) Receive:

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.



1 (c) As a condition of probation, the court may require that the
 2 person serve a term of imprisonment in an appropriate facility at the
 3 time or intervals (consecutive or intermittent) within the period of
 4 probation the court determines.

5 (d) Intermittent service may be required only for a term of not more
 6 than sixty (60) days and must be served in the county or local penal
 7 facility. The intermittent term is computed on the basis of the actual
 8 days spent in confinement and shall be completed within one (1) year.
 9 A person does not earn credit time while serving an intermittent term
 10 of imprisonment under this subsection. When the court orders
 11 intermittent service, the court shall state:

12 (1) the term of imprisonment;

13 (2) the days or parts of days during which a person is to be
 14 confined; and

15 (3) the conditions.

16 (e) Supervision of a person may be transferred from the court that
 17 placed the person on probation to a court of another jurisdiction, with
 18 the concurrence of both courts. Retransfers of supervision may occur
 19 in the same manner. This subsection does not apply to transfers made
 20 under IC 11-13-4 or IC 11-13-5.

21 (f) When a court imposes a condition of probation described in
 22 subsection (a)(18):

23 (1) the clerk of the court shall comply with IC 5-2-9; and

24 (2) the prosecuting attorney shall file a confidential form
 25 prescribed or approved by the division of state court
 26 administration with the clerk.

27 (g) As a condition of probation, a court shall require a person:

28 (1) convicted of an offense described in IC 10-13-6-10;

29 (2) who has not previously provided a DNA sample in accordance
 30 with IC 10-13-6; and

31 (3) whose sentence does not involve a commitment to the
 32 department of correction;

33 to provide a DNA sample as a condition of probation.

34 (h) If a court imposes a condition of probation described in
 35 subsection (a)(4), the person on probation is responsible for any costs
 36 resulting from the participation in a program, class, or service. Any
 37 costs collected for services provided by the probation department shall
 38 be deposited in the county or local supplemental adult services fund.

